

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DAVID K. PORATH,

Plaintiff,

**9:11-cv-963
(GLS/CFH)**

v.

BIRD et al.,

Defendants.

ORDER

On October 22, 2012, plaintiff *pro se* David K. Porath filed an appeal of an order denying him appointed counsel entered by Magistrate Judge David R. Homer. (See Dkt. Nos. 23, 50.) Having reviewed Porath's submission, (see Dkt. No. 50), and Judge Homer's order, (see Dkt. No. 23), the court concludes that the order is neither "clearly erroneous" nor "contrary to law," Fed. R. Civ. P. 72(a). As such, the order is affirmed.

ACCORDINGLY, it is hereby

ORDERED that Porath's appeal (Dkt. No. 50) is **DISMISSED**; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties.

IT IS SO ORDERED.

November 6, 2012
Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court